



Statement of  
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before the  
Department of Environmental Protection  
Hearing on Proposed Streamflow Regulation

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We commend DEP for its perseverance in tackling the tough task of drawing up the state's streamflow regulations, and gaining consensus on this issue.

Connecticut's green industry—the 3,000 companies that grow and sell flowers, plants, trees, shrubs, annuals, perennials—is more than half of all of agriculture in the state. Without access to water, our \$1.1 billion annual sales would collapse.

In fact, all of Connecticut agriculture has had an historic access to rivers, streams, and ponds since the state was first colonized. There would be no agriculture in Connecticut without water. Further, it is those very farms who have preserved the natural lands of the state adjacent to our water resources for close to 300 years—today over 300,000 acres of land, with the green industry accounting for 46,000 acres.

Agriculture currently accounts for 22% of water usage in the state. We depend upon water to ensure our crops grow and our agribusinesses continue. The key to successfully implementing the proposed regulations is to create a balance between the water users and the environmental impact of that use.

The green industries of Connecticut uses of water are consistent with most segments of agriculture. We water our crops either with overhead sprinklers or by micro irrigation delivering water precisely where it is needed. In both instances water is applied to the crop and the excess is run-off going back to the existing watershed.

So, the preservation of agriculture's access to water is integrally tied to preserving Connecticut's environment. The state's public policy is to preserve agriculture and agricultural lands for this very reason.

While we are not opposing the new streamflow regulations, we do believe DEP should seriously consider protecting agriculture's access to water by exemption from the proposed rules. There is

precedent for this in existing Connecticut statutory law, most notably Sec. 22-40(1) which gives agriculture the ability to operate in wetlands and watercourses "as of right".

DEP already has several tools at its disposal to regulate agriculture's use of water—such as water diversion permits—and has not hesitated to use them in the past 40 years. These alone have imposed costly burdens to our farms over the years in compliance costs for engineers, lawyers, etc. Every farm and every crop is different, each needing different amounts and timing of watering. We do fear that including agriculture under the new streamflow regulations will result in adding more onerous costs to the state's struggling farms at the very time the state endeavors to save them.

Falling an outright exemption, at the very least DEP could create a triggered exemption when and if a farm agrees to adhere to best management practices (BMPs) on water usage drawn up by our nonprofit agricultural trade associations, in consultation with experts at UConn, the Connecticut Agricultural Experiment Station, USDA-NRCS, and DEP itself. We are indeed working on such documents right now under the auspices of the Connecticut Water Policy Council's advisory group, on which I serve. DEP should also be partnering with the Connecticut Department of Agriculture on this issue to be sensitive to our farms. We propose establishing BMPs to ensure wise water use and lessen the impact on stream flow. As an industry it would take two to three years to widely implement the BMP.

Under the proposed regulations persons withdrawing less than fifty thousand gallons and diversion operated in compliance with existing permits would be exempt under the provisions of the stream flow standard. Our concern is will the proposed standards make it increasingly more difficult for farms to grow? Will a farm that is currently under the 50,000-gallon diversion and finds it will need more water above the 50,000-gallon allowance face a greater burden to obtain a diversion permit? As it is, to increase a diversion permit the requirements create an economic hardship for smaller growing farms. Work with an existing federal or state agency such as NRCS as a resource for farms to rely on to gather and obtain the needed information for diversion permits.

The greatest concern all growers have is what to do in the event of a severe drought. Will we be cut off from water to allow steady stream flow rates? Obviously if no water exists during the drought, there is no water. We will have safeguards to ensure we have access to the available water during a severe drought?

Our concerns going forward are

- Is 50,000 gallons per day a firm limit or will that limit be changed in the future?
- Will diversion permit holders be required to meet more requirements to maintain their permits?
- Can DEP work with the green industry to reduce the time and expense to obtain or alter a diversion permit
- Time frame DEP will require to fully implement BMP for our industry.
- What drought restrictions will DEP impose on the green industry in the event of a severe drought.

The Connecticut Green Industries are willing to work cooperatively with the DEP regarding the implementation of the proposed stream flow standards provided we will not be further restricted in our current or future water usage and we do not have an unreasonable financial burden to comply with these regulations.